

**BOARD OF REGISTERED NURSING**

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## **What Does the BRN Do?**

Most nurses only interact with the Board of Registered Nursing when they renew their licenses every two years. As a result, they may not be aware of the other varied roles and functions of the Board.

Were you aware that over 70% of the Board's budget is spent on enforcement activities? Did you know that the Board regulates more than 300,000 licensees and 70,000 certificate holders? Other facts of interest: Board staff assist over 12,000 callers each month, over 2,100 complaints are received annually, and 34,000 applications for licensure or certification are evaluated each year.

This article is intended to highlight the most important activities of the Board so that nurses are aware of how their fees are spent in the regulation of the profession.

### **Board's Mission**

The California Board of Registered Nursing regulates the practice of registered nursing and certified advanced practice nurses in order to protect the public health, safety and welfare. The Board exists to protect the health and safety of consumers and promote quality registered nursing care in California. This mission is accomplished by the following activities:

- Enforcing sound licensing standards
- Prosecuting violations of the Nursing Practice Act through an effective enforcement program
- Intervening promptly with chemically dependent or mentally ill nurses through the diversion program
- Enforcing educational standards in nursing school programs
- Ensuring continued competency of nurses
- Educating the public

The Nursing Practice Act is the body of California law that mandates the Board to accomplish the above activities and sets out the scope of practice and responsibilities for RNs. The Practice Act is located in the California Business and Professions Code starting with Section 2700. Regulations which specify the implementation of the law appear in the California Code of Regulations.

## **Overview of Board Structure**

The Board of Registered Nursing is one of approximately 37 professional regulatory boards or programs that exist within the Department of Consumer Affairs. The Board is the fourth largest in the department, regulating over 300,000 registered nurses with a yearly budget of approximately \$17 million.

Nine board members serve as the policy-setting body for the Board. Seven of the members are appointed by the Governor, one by the Senate President Pro Tempore, and one by the Assembly Speaker. Board members include five registered nurses, one physician and three public members. The board members work through a committee structure with staff support to assess issues, set policy and make enforcement decisions. The committees are:

- Administrative Committee
- Diversion/Discipline Committee
- Education/Licensing Committee
- Nursing Practice Committee
- Legislative Committee

The Board meets five times a year in major cities throughout the State, with committee meetings preceding each Board meeting. Board members make far-reaching policy decisions on the practice of nursing and enforce the Nursing Practice Act. A substantial amount of board member time is spent on enforcement cases to make decisions about whether to reinstate, revoke or take other action against licenses of nurses who have violated the Practice Act. In addition, the board members monitor and approve over 90 schools of nursing.

## **Scope of Regulation**

The Board is responsible for regulating the practice of the following population of nurses:

- |   |         |                                  |
|---|---------|----------------------------------|
| ➤ | 300,000 | Registered Nurses                |
| ➤ | 44,400  | Public Health Nurses             |
| ➤ | 12,000  | Nurse Practitioners              |
| ➤ | 7,800   | Nurse Practitioner Furnishing    |
| ➤ | 1,600   | Nurse Anesthetists               |
| ➤ | 1,100   | Nurse Midwives                   |
| ➤ | 600     | Nurse Midwife Furnishing Number  |
| ➤ | 400     | Psychiatric/Mental Health Nurses |
| ➤ | 1,700   | Clinical Nurse Specialist        |

As nursing practice and health care evolve, the public relies on the Board to act as patient advocate to ensure that registered nursing activities are performed in a safe manner by qualified individuals.

## **Strategic Planning**

In 1994 the Board initiated an in-depth strategic planning process to set a direction that would ensure the Board's effectiveness and responsiveness to the public which it serves. The Board's goals and objectives are to maximize effectiveness in consumer protection and consumer service; create a work environment that promotes employee success in order to better serve the public; take a proactive leadership role in structuring 21<sup>st</sup> century health care related to registered nursing and advanced practice nursing. Ongoing strategic planning ensures continual improvement of service to the public, anticipation of future public needs, and evaluation of performance.

## **Licensing and Renewals Programs**

The licensing program serves as the first line of public protection by preventing licensure of unsafe or incompetent applicants. Staff ensures that the 34,000 applicants who seek licensure or certification each year have met all educational requirements, have passed the appropriate licensing examination, and do not pose a threat to patients based on criminal conviction records or prior discipline in other states. The licensing program is complex due to multiple methods of eligibility. These are:

- Associate Degree, Diploma, and Baccalaureate education
- Military Corpsmen, Licensed Vocational Nurses with 30 RN units, External Degree Programs, Generic Masters Programs, among other alternate preparation routes
- International education (Nearly 50% of examination applicants are educated in other countries, and approximately 40% of international graduates who test in the U.S. test in California.)
- Endorsement applicants from 60 states and jurisdictions

In April 1994, the national licensing examination converted from a 2-day paper-and-pencil exam that is given twice a year to a half-day computerized adaptive test that is given throughout the year. The move to computerized adaptive testing resulted in many benefits to the public, including more rapid licensure. To ensure continued validity of the exam, the Board is involved with national committees related to the examination.

The licensing and renewals programs are also responsible for assuring continued competency of RNs through renewals and continuing education. Nurses are required to complete 30 hours of continuing education every two years.

## **Special Licensee Services**

In January 2001, RNs became the first profession to be able to renew their licenses online using a credit card. In July 2001 RNs were also able to renew their advance practice certificates, address

changes and request a duplicate license. Since April 2003, RNs are able to begin the endorsement application process online. This service is available free of charge 24 hours a day. Two other automated services assist employers and the public in verifying RN license status. They may check the status online at [www.m.ca.gov](http://www.m.ca.gov), or they may call a toll-free automated system that provides 24 hour service (1-800-838-6828).

### **Enforcement Program**

The Board has authority to take disciplinary action against the licenses of registered nurses that have violated the Nursing Practice Act. Enforcement actions protect patients from nurses who have committed violations such as gross negligence, incompetence, patient abuse, fraud, theft, serious criminal convictions, or drug-related offenses.

Over 70% of the Board's budget is spent on enforcement-related activities. Not only does this emphasis meet its primary objective of providing patient protection, it also preserves the professionalism of nursing by removing unsafe nurses from the workplace.

Annually, the Board receives over 2,100 complaints. If a violation is substantiated, the case is referred to the Office of the Attorney General for possible action against a license. Licensees have every opportunity to dispute any charges and may request a hearing before an independent administrative law judge. The board members then vote on whether to adopt the proposed decision, which may result in revocation, probation, suspension or other formal disciplinary action. If a case involves unlicensed or criminal activity it is referred to the local district attorney for prosecution.

The enforcement program is very active and dynamic as demonstrated by the following annual statistics:

- Over 1,300 complaints investigated
- Over 300 cases referred to Attorney General
- Approximately 130 RN licenses revoked or placed on probation
- Approximately 20 licenses formally denied

As a preventive enforcement measure, the Board began to require fingerprints from all applicants for licensure in 1990. During the first year, the number of convictions reported by applicants doubled to over 850, and over 150 applicants failed to report convictions that were detected by fingerprinting. As a direct result, the Board also receives subsequent conviction reports from the Department of Justice on a continuing basis for all licensees who were fingerprinted during the application process.

### **Diversion Program**

The Board's Diversion Program has proven to be an effective method of intervening in cases in which registered nurses are impaired by drugs, alcohol, or mental illness. As an alternative to the more lengthy and costly disciplinary process, the Diversion Program allows immediate

intervention and removal from practice within less than two weeks after a complaint is received. That contrasts with the discipline process which can take up to two years before the license can be removed or restricted.

The Diversion Program is a voluntary, confidential program enabling an RN to focus on recovery. The RN returns to work only after being deemed safe to practice by experts, and is closely monitored for compliance with their rehabilitation program.

Over 970 RNs have successfully completed the program, resulting in the return of safe, rehabilitated nurses to the work force.

### **Nursing Education Consultants**

The Board's nursing education consultants are involved in all aspects of the Board's activities due to their subject matter expertise. Their key roles are reflected in the following examples of their areas of responsibility:

- Staff to Board committees
- Liaison to public on nursing practice issues and questions
- School approval responsibility for over 90 nursing programs
- Nursing evaluation and investigation of enforcement cases
- Policy development for emerging nursing practice issues
- Evaluation of pending legislation
- Consultation on nursing issues such as licensing, foreign education, enforcement, and diversion program

### **Website**

Please visit the Board's website at [www.rn.ca.gov](http://www.rn.ca.gov) for further information about Board services.